

**INLAND WETLANDS AND WATERCOURSES COMMISSION
MINUTES
March 6, 2007**

THE INLAND WETLANDS AND WATERCOURSES COMMISSION of the Town of Trumbull held a Regular Meeting on Tuesday, March 6, 2007 in the Courtroom of the Trumbull Town Hall.

MEMBERS PRESENT: Richard Girouard, Chairman
 Mr. O'Neill, Secretary
 David Lucas
 Andrew Lubin
 Dennis Miko
 Arlyne Fox
 John Lauria

ALSO PRESENT: Brian Smith Assistant Town Engineer, Town of Trumbull
 Neil Lieberthal, Town of Trumbull Attorney

The following is a brief summary of the meeting. A recording was made on tape and is on file in the office of the Town Engineer, Town Hall, Trumbull, CT.

Mr. Girouard opened the meeting at 7:33 p.m.

Mr. O'Neill read the public hearing notice into the record.

Mr. Girouard opened the public hearing at 7:35 p.m.

Application #07-02: Patricia & Richard McCarthy Remove 20 trees
build beach area, retaining walls and terrace, 20 Cove Point.

Ms. Patricia McCarthy of 20 Cove Point was present. Ms. McCarthy submitted one last certificate of mailing for the record and the Board of Governors' meeting minutes of the Lake Association for the record. Ms. McCarthy indicated there is 550' of frontage, 75' of the frontage is where the trees would be removed. The trees to be removed are old pines.

Ms. McCarthy stated she would like to make the area accessible for her family and re-terrace the area, the stairs already exist. The Lake Association had not had any issue with the proposed activity at the meeting and had made no comment. Ms. Kathy Doornbush of 43 Linley Road Trumbull, CT, master planter certified with the State of Connecticut is serving as the designer of the project was present. Ms. Doornbush indicated there would be no sand on the beach area, it would be a safe access point for the family. The stairs and the dock already exist. Ms. Doornbush reviewed the map in detail with the commissioners and indicated native plants would be reintroduced to replace the trees, the exiting trees have lost their bottom branches, many are dead or rotted.

Ms. McCarthy stated there are 18 trees mapped out and there is a small cluster of trees, the cluster has thin trees which brings the total to 20 trees to be removed. The stumps would be ground. The removal of the trees would open the canopy enough to support the re-growth. The Board of Governors' meeting had taken place approximately one month ago, Ms. McCarthy stated she had sent a registered letter to the Lake Association explaining which trees would be removed and also invited them to her home to inspect

the area, no one has responded or come to the property. Ms. McCarthy agreed to the Trumbull Tree Warden's supervision of the project.
There was no one present to speak for or against this application.

Application #07-05 R.D Scinto, Inc Install gas main in easement.
81 Spring Hill Road.

Mr. David Bjorklund of Spath Bjorklund Associates was present representing the applicant. The certificates of mailings were submitted for the record. As a result of a gas main service need for the Swiss Army building in Monroe a gas main had been installed, there was no area in Monroe capable of servicing the building. As a result of a lawsuit between the Kimball family and the Town of Trumbull, an easement had been granted as a settlement, the applicant had contacted the Gas Company notifying them that the easement had been granted. Spath Bjorklund had not been privy to this information previously. It had been an unusual application and was not aware of this issue until 12-06 when Mr. Smith of the town Engineering Department had notified Spath Bjorklund. The easement had taken approximately 3 years. The issue of wetlands had not been avoided it had only fell between the cracks, the easement had been the focus. Mr. Bjorklund reviewed an aerial photograph with the Commission of the site, indicating this was not an area of untouched wetlands, there had been no impact to the wetlands, there is an almost 20' change in elevation, there had been no natural vegetation in the area, there had been no impact to the upland or the wetland area. The DEP had approved the bike trail, which is immediately uphill from this area. The construction of the gas main was done orderly and quickly and had been loomed and seeded, the area is stable, erosion is not an issue.. Mr. Bjorklund apologized for the oversight, when issues such as these do arise it is usually do to the fact the normal sequence of events does not take place, this was the case with this application. The gas line's closest point to the river is 30', there are no guidelines for the line, and it could be placed right against if necessary. Mr. Bjorklund explained the area had been top-soiled.

Mr. Smith indicated the new bike trail would not be allowed to go to this area due to the 100-year flood line.

Mr. Bjorklund indicated if the loomed and seeded area does not grow as planned in the spring the applicant would be happy to replant. The Swiss Army building will not need sewers.

There was no one present for or against the application at this meeting.

Application #07-07: Philip DiGennaro Remove portion of existing oversized detention basin & renovate remainder detention basin. 5520 Park Avenue.

Attorney Raymond Rizzio was present representing the applicant. Atty. Rizzio submitted the certificate of mailings for the record. This application is for the filling of the wetlands for construction of a parking structure. The office space in the front of the building is outside the buffer area and is not applicable to this application. The parking structure will enhance and provide service to the existing building.

Mr. Joseph Pereira of Pereira Engineering of Shelton was present. Mr. Pereira indicated the original proposal was to construct a new parking garage with removal of 4800 sq. ft. of a detention basin leaving 3800sq. ft. The revised plan, Alternate #2, would include the creation of additional pond area, (1410 sq. ft. of additional pond area to the

remaining 3800 sq. ft.) which would bring the amount over 50% of what is there now. From a storm water management perspective all of that volume is not needed, the original proposal was adequate; the additional square footage will reduce the water height rise of a store water event. Storm water quality improvements will be that any existing or new catch basins will be hooded.

Mr. Jeff Shamas, CE, SS, CPWS, Senior Project Manager at Kleinfelder of Windsor, CT with an office in Monroe was present. Mr. Shamas distributed the Wetland Assessment & Mitigation Report and reviewed in detail with the Commissioners. Mr. Shamas indicated the pond would be 50% larger than it was in its original condition, birds and waterfowl will be able to use it. Aerial photographs in the Assessment dated 1991 were reviewed. The Functions & Values page 6 of the Assessment were based upon the Army Corp method. Landscape plantings, fish and amphibians would be introduced to the pond and would have improved water quality. Large boulders and tree limbs are proposed for the bottom of the pond structure, providing shading and perching areas for and wildlife. The dissolved oxygen levels would be increased for the habitat.

Atty. Rizzio stated alternate #1 was originally filed and the Alternate 2 is the preferred plan.

Mr. Pereirra distributed a full size plan for Alternate 2 to the Commissioners, ½ sizes of Aternate 2 was distributed to all commissioners.

Mr. Dennis Leffeirer, Landscape Architect with SITESCAPES of Milford, CT was present. Mr. Leffeirer reviewed Alternate 2 plan in detail with the Commissioners, photographs were submitted for the record. The wall will be a vertical stacked wall, the existing guardrail will be replaced and pushed back, The guardrail area has 4 large trees, the proposal includes those trees. The plan is to create a more natural environment. The proposed plant list is included with Alternate #2; the plants are lieu of lawn. The hardwood timbers would be locked in place with re-bar.

Atty. Rizzio stated this alternative proposal will enhance the wetland and make it more productive, nothing has been done with the pond for 20 years, the last approved wetland application was dated 1984. The original wetland in 1967 and Alternate #2 are the same size. The original detention basin was overbuilt according to the engineer.

Mr. Lauria left the meeting at 8:42 p.m.

Mr. Lauria returned at 8:43 p.m.

Mr. Rizzio submitted a letter of support from St. Nicholas Orthodox Church for the record.

Mr. Rizzio stated that Judith O'Connell a neighbor of the property authorized Atty. Rizzio to speak favorably of this application on her behalf. Ms. O'Connell's property is a direct abutter to the applicant's property.

There were 4 people present to speak against this application.

- Mr. J. Tivadar of 139 Plattsville Road indicated his property is adjacent to the rear of the property of this application. A petition against this application signed by neighbors was submitted for the record by Mr. Tivadar also submitted a letter of opposition and maps showing the wetlands and the process of how the wetland is present and it's size for the record. Mr. Tivadar stated the pond is not over

engineered, it had been designed to handle the runoff and the surrounding area, it took over 6 years to design and approve, the size was planned. Eliminating any portion of the pond would force the subsurface water to find another path and fears it will find its way into the neighbors' properties. The parking lot was increased in 2003-2004. If there is an issue with water and the neighbors' properties what monetary accommodations will be made for the neighbors?

- Mr. Vic Bardinelli of 99 Plattsville Road resident for 56 years was present and spoke against this application, the parking garage and changing the size of the pond. Changing or reducing the pond will bring water issues to the surrounding neighbors' properties. Mr. Bardinelli thanked the Commissioner for their time and requested their support.
- Brenda Montini of 219 Plattsville Road resident for over 19 years was present to speak against this application, the 3-plus story garage and the effect of changing the pond, the change will only benefit 5520 Park Avenue, not the neighbors. The change of the pond will directly effect her property and all the neighbors' properties. The change to the pond will only service the parking of 5520 Park Avenue. Ms. Montini voiced concern that water will come on her property due to the change of the pond.
- Mr. Paul Frenovich of the corner of Plattsville Road and Camel Road was present to speak against this application, sewers were put in the area recently, the water level was very high at the time and the project had to be postponed for 4-5 weeks until the water level lowered itself. The change to the pond concerns him and questioned whom he would come to in two years if water were to come into his basement. Mr. Frenovich stated he was opposed to the garage as well.

Atty. Rizzio stated the original size of the pond was 2400 sq. ft, the new proposal will be 5200 sq. ft. The new proposal is 50 % larger than it was in its original form, what is currently there is 4 times the size of the original. The pond is in the middle of a parking lot, this application provide a more appropriate pond.

Mr. Pereira reviewed the Town maps addressing drainage issues raised by the neighbors at this meeting. The water from the north of the property flows to the north. From the south area of the property flows to the detention pond. All other areas flow from the south to the north. Last week there had been a 50-100-year storm event, a photograph was shown taken on January 9, 2007 showing the highest watermark on the wall, photo submitted for the record. The pond was designed as a wet pond, removing the northern portion allows for a 12" safety net of elevation. The drainage report submitted at the last meeting indicates that the alternate size allows for the new size to raise and lower in water level, it will do so more frequently but will hold the same volume. The function of the pond will be repaired and allows for a 17% reduction; the water will not shed on the neighbors' properties.

Mr. Smith stated the last application filed for this property was Application 03-39 representing the relocation of the cooling units.

Mr. Pereira stated during construction of the garage there would be no impact to the pond. The elevation of the garage will be slightly lower than the building.

Atty. Rizzio stated the garage will be 2 stories, (3 levels) high with the first level being the parking lot.

Mr. Shamas stated the applicant knows this is a pond, it is a manmade pond, it has been previously altered and can not go back to its natural state. The proposal is to make the pond as natural as possible and to support the habitat. There will be no ecological effect to wildlife, it is a parking lot currently with a covered garage there will be no impact to the water quality. The plans include water quality improvement.

Mr. Philip DiGennaro of 52 Aspen Lane was present, and has worked at the property for 6 years; the water level has not risen more than 6 inches ever.

Mr. Pereirra stated there would be no flooding or exceeding the basin/pond that would effect the neighbors.

Atty. Rizzio stated the application had been approved by ZBA.

Mr. Smith, Asst. Town Engineer stated he has walked the site today. All the snow was gone, Mr. Smith noted there was debris along the south easterly portion of the property indicating the debris would need to be removed. The inlet pipe area also has debris, which would need to be removed. The catch basin is currently full of sand and would need to be cleaned, all catch basins should be reconstructed with snouted hoods and the catch basins should be maintained yearly. The culvert needs to be cleaned.

Mr. Pereirra indicated the original size of the pond was 2400 sq. ft., can not speak to the reasoning of why it was made twice the size of its original form. The numbers show that volume is not necessary.

Mr. Girouard closed the public hearing at 9:53 p.m.

The Chair called a recess at 9:53

The Chair called the meeting back to order at 10:12 p.m.

New Business:

Application #07-08: Rhonda Lobo Level off backyard & seed without affecting wetland area, 46 Tanglewood Road.

Mr. Fernando Lobo of 46 Tanglewood Road was present indicating the application includes using the neighbor's fill from the construction of the neighbor's pool to level off his yard. Mr. Lobo currently has the fill in his backyard. He is present as a result of a violation letter sent to him last month. Photograph's were submitted for the record. The proposed activity is approximately 50' at its closest point to the wetlands

Upon motion made, (O'Neill) seconded (Lucas), and carried by a vote of 7 in favor (unanimous) it was voted to RECEIVE Application #07-08.

Application #07-09: James Fracker Const, LLC Create 5 building lots and 1 lot of open space Lot #2, Booth Hill Road.

Mr. Bruce Bonbero licensed engineer & surveyer in the State of CT was present representing the applicants. Mr. Bonbero reviewed the map with division of 5 building lots and open space with the Commissioners. The proposed activity at its closest point to the wetlands would be 51' and 81'. Mr. Bonbero would agree to a monument as a condition of approval.

Upon motion made, (Fox) seconded (O'Neill), and carried by a vote of 7 in favor (unanimous) it was voted to RECEIVE Application #07-09.

Application #07-10: Richard & Marie Chaffee Construct in-ground swimming pool, covered porch & stone retaining wall, 2351 Huntington Road.

Mr. Rich Chaffee of 2351 Huntington Road was present. Photographs were submitted for the record. 40% of the property is wetlands, 75% of the property is in a regulated area. The patio/curtain of the pool would not be any closer than 25' to the wetlands. Upon motion made, (Fox) seconded (O'Neill), and carried by a vote of 7 in favor (unanimous) it was voted to RECEIVE Application #07-10.

Application #07-11: Robert Smith Install in-ground swimming pool with deck & retaining wall, 131 Aspen Lane.

Mr. Smith indicated the pool's edge at its closest point would be 85' to the wetland area. The retaining wall would be 70' to the tip of the wetlands. The wall would be a 4' high masonry wall. Photographs were submitted for the record. Upon motion made, (Lauria) seconded (O'Neill), and carried by a vote of 7 in favor (unanimous) it was voted to RECEIVE Application #07-11.

Upon motion made, (Lauria) seconded (O'Neill), and carried by a vote of 7 in favor (unanimous) it was voted to close New Business at 10:28 p.m.

Work Session:

Application #07-08: Rhonda Lobo Level off backyard & seed without affecting wetland area, 46 Tanglewood Road.

Upon motion made, (Fox) seconded (Lucas), and carried by a vote of 6 in favor and 1 abstention, (Lauria) it was voted to APPROVE Application #07-08 as submitted.

**Application #07-09: James Fracker Const, LLC Create 5 building lots and 1 lot of open space Lot #2, Booth Hill Road.
Field Inspection**

Application #07-10: Richard & Marie Chaffee Construct in-ground swimming pool, covered porch & stone retaining wall, 2351 Huntington Road.

Upon motion made, (Fox) seconded (Lucas), and carried by a vote of 5 in favor and 2 against, (Fox and Lauria) it was voted to APPROVE Application #07-10 as submitted.

Application #07-11: Robert Smith Install in-ground swimming pool with deck & retaining wall, 131 Aspen Lane.

Upon motion made, (O'Neill) seconded (Lucas), and carried by a vote of 7 in favor it was voted to APPROVE Application #07-11 as submitted.

Application #07-02: Patricia & Richard McCarthy Remove 20 trees; build beach area, retaining walls and terrace, 20 Cove Point.

Ms. Patricia McCarthy was present. (Continuation Public Hearing from Feb. 6, 2007). Upon motion made (Miko) seconded (Lubin) and carried by a vote of 7 in favor (unanimous), to **APPROVE Application #07-02** subject to the General Conditions as established by the Commission:

- Under the supervision and inspection of the Trumbull Tree Warden.

Application #07-05 R.D Scinto, Inc Install gas main in easement. 81 Spring Hill Road.

Upon motion made (Miko) seconded (Lubin), and carried by a vote of 7 in favor (unanimous) it was voted to **Table** Application #07-05 until the next monthly meeting.

Application #07-07: Philip DiGennaro Remove portion of existing oversized detention basin & renovate remainder detention basin. 5520 Park Avenue

Upon motion made (O'Neill) seconded (Lubin), and carried by a vote of 5 in favor and 2 against, (Fox and Lauria), it was voted to **Approve** Application #07-07, Alternate 2 subject to the General Conditions as established by the Commission:

- The catch basins shall be cleaned out and maintained on an annual basis, (yearly).
- All existing catch basins shall include snouted hoods.
- Debris along the east border shall be cleared and removed per the Asst. Town Engineer's direction.
- The Southeast area of property where it meets the Trivador property, (by the stonewall), shall be cleared of all debris.
- The culvert at the southerly corner of the property shall be cleaned.
- Every May on an annual basis, (yearly), all catch basins shall be cleaned, the owner of the property will notify the Town Engineering Department by certified letter when the cleaning of all catch basins will take place.

Approval of Minutes:

Upon motion made, (Miko) seconded (Lubin), and carried by a vote of 7 in favor (unanimous) it was voted to accept the February 6, 2007 meeting minutes and the February 8, 2007 Field Inspection minutes as submitted.

FIELD INSPECTION DATE:

The field inspection date is scheduled for Tuesday, March 20, 2007 to leave the Town Hall at 3:05 p.m. for the following application:

Application #07-09

Adjournment:

By unanimous consent it was voted to adjourn at 11:01 p.m.

Respectfully submitted,

Margaret D. Mastroni
Clerk